IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4880 OF 2007

Ali Asgar @ Salim Bootwala ....Petitioner.
V/s
Leena Bootwala & Ors... ....Respondent.

Mrs.P.P.Chavan i/by Mr.Kirit Dabit, Adv. for the petitioner.

Mr.Shaheen Khan Naqshbandi, Adv. For the respondents.

CORAM: A.P. DESHPANDE, J.
3.7.2007

PC:

Learned counsel for the respondents has pointed out that the proceedings arising in this petition are initiated on account of an application moved under section 12 of the Protection of Women from Domestic Violence Act, 2005. Section 28 of the said act prescribes the procedure to be followed when proceedings u/s.12 and other sections are initiated. It is laid down that the procedure shall be governed by provisions of Criminal Procedure Code, 1973. For breach of an order a penal provision finds place in section 31 of the act. In this view of the matter it is crystal clear that the impugned order passed by Sessions Judge could be subject matter of challenge in criminal writ petition and not a civil writ petition. Hence remove from the board.

3.7.07.